

City of Alexandria

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2-13-01

MEMORANDUM

DATE: FEBRUARY 12, 2001

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: PHILIP SUNDERLAND, CITY MANAGER *PS*

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR *BC*

SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 2) ON LEGISLATION INTRODUCED AT THE 2001 GENERAL ASSEMBLY SESSION

ISSUE: Recommendations and status report (No. 2) on legislation introduced at the 2001 General Assembly Session.

RECOMMENDATION: That City Council approve the following as recommended by the City Council's legislative subcommittee (Mayor Donley and Councilman Speck):

- (1) Adopt the positions on legislation that has been introduced in the 2001 General Assembly Session as noted in Attachment 1; and
- (2) Support legislation that would authorize a referendum for the imposition of an additional sales tax in Northern Virginia, only if the sales tax revenues would be divided equally between transportation and education (only Senate Bill 1368, discussed below, includes funding for education and transportation at this time).

DISCUSSION: The 2001 General Assembly Session, which began on January 10, is scheduled to adjourn February 24. Each house has completed action on its own bills and is now considering only those bills that were passed by the other body (i.e., the House is considering Senate bills, and the Senate is considering House bills). Both the House and Senate also have passed amendments to the biennial budget, which are discussed separately below. Attachment 2 shows the status of legislation on which the City has previously taken a position.

City Package. The status of the following bills from the City's legislative package is indicated below:

HB 1633 would give immunity from prosecution for child abandonment to parents who take their newborn children to an authorized “safe haven” area, such as a hospital. This bill has been incorporated into HB 1891, which has passed the House and is now under consideration by the Senate Courts of Justice Committee.

HB 2165 would require any non-profit owner of an historic property that is open to the public to give notice to the local governing body, the Attorney General, and the State Department of Historic Resources at least 90 days before the property is sold. This bill has passed the House, has been reported out of the Senate Committee on Agriculture, Conservation and Natural Resources and is expected to be considered by the Senate on Tuesday, February 13.

HB 2488 would extend to Community Service Boards the same peer review protection that is already provided to hospitals (they are given immunity protection from civil suits for peer review activities; and their records pertaining to peer review activities are considered privileged communications, which ordinarily may not be disclosed or obtained by legal discovery proceedings). This bill has been passed by the House and is now under consideration by the Senate Committee on Rehabilitation and Social Services.

HB 2489 sought authorization for Virginia localities to increase the local recordation tax, and use the increased revenues to purchase or preserve open space. This bill was defeated by the House Finance Committee.

HB 2684 sought to create a refundable State Earned Income Tax Credit. This bill was defeated by the House Finance Committee.

HJ 672 requested the State Crime Commission to study: (1) whether to extend the time for which preliminary protective orders are valid; (2) whether to allow the service of final protective orders by mail when the respondent (i.e., alleged abuser) fails to appear at the hearing; and (3) whether to make the third or subsequent violation of a protective order a Class 6 felony. The House Rules Committee agreed to recommend that the Crime Commission conduct this study, but did not believe that passage of a formal resolution was necessary. Staff expects the Crime Commission to agree to do the study.

SB 1002, which sought to require the Virginia Housing Development Authority to give loans to unrelated individuals who wish to purchase a home and otherwise qualify for VHDA assistance, was defeated by the Senate General Laws Committee.

SB 1005 would amend provisions of the State Code to increase the severity of the penalty if a person is convicted of various “hate crimes” (e.g., assault or damage to another person’s property) that are motivated by the sexual orientation of another person. This bill was defeated by the Senate Committee on Courts of Justice.

- ▶ **SB 1006** would allow localities to use spot blight abatement procedures within conservation and redevelopment areas (these procedures can currently be used anywhere except conservation and redevelopment areas). This bill was passed by the Senate and is under consideration by the House General Laws Committee.
- ▶ **SJ 356** asks the State Housing Study Commission to study ways to assist teachers to purchase homes in the communities in which they teach. This resolution was defeated by the Senate Rules Committee.

Living Wage. Legislation was introduced in both the House and the Senate (HB 1931, HB 2862, and SB 961) to prohibit the City from using “best value” concepts to require contractors to pay a living wage (as a result of legislation passed by the 2000 General Assembly, localities may consider the “best value,” and not solely the lowest price proposed, when awarding contracts). Alexandria residents and living wage supporters from other localities, the Virginia Municipal League, the Virginia Association of Counties, the AFL-CIO, and the Catholic Diocese of Richmond worked to assist City staff in defeating two of these bills (HB 2862 and SB 961). HB 1931 was passed by the House on a 51-48 vote, and is now before the Senate General Laws Committee, which is scheduled to take it up Wednesday afternoon. City staff is working with other opponents of the bill to defeat it in the Senate.

Proponents of the legislation to prohibit the City’s living wage ordinance assert that the General Assembly never intended to have the best value concept used to justify a living wage and that localities should not adopt living wage ordinances without seeking specific General Assembly approval to do so. In general, they have been careful in their committee testimony and floor debate to avoid any discussion of the merits of a living wage policy.

Local Authority Over Weapons. House Bill 1969, introduced by Delegate Roger McClure, seeks to prohibit any locality (after January 1, 1987) from adopting any resolution, motion, administrative rule, or regulation governing the possession, carrying, etc. of firearms. Localities are already prohibited from adopting ordinances for these purposes.

The Alexandria City Manager adopted an administrative regulation in 1995, later affirmed by Council, that prohibits weapons of any kind in any city workplace. The purpose of this regulation is to help ensure the safety of the City’s work force, as well as the safety of the general public. Private employers can adopt reasonable policies to protect their workers, and the City believes it should have similar authority.

When the concealed weapons laws were amended by the General Assembly in 1987, the intention in large part was to ensure that an individual lawfully carrying a concealed weapon (with a permit) does not commit a crime simply because he unknowingly enters a building (such as City Hall) with his concealed weapon. Alexandria’s regulation is not like this.

If someone enters an Alexandria workplace (e.g., City Hall or one of the recreation centers) with a concealed weapon, the City can ask the person to leave and stay off the property as long as he has

the weapon. If the person refuses to leave, the City charges him with trespass. The City believes that this procedure is a reasonable one to protect the safety of the work force and the public. If House Bill 1969 passes, the City will no longer be able to follow this procedure.

This bill passed the House on a vote of 66-29 (Delegates Moran and Van Landingham voted against it), and is now before the Senate Local Government Committee. The City will continue to work with Senator Ticer (who is a Committee member) and other local governments to defeat the bill.

Regional Transportation Issues. The General Assembly continues to consider a number of bills that address Northern Virginia transportation issues. Of those introduced, four remain that propose either a new funding source to help meet the region's transportation needs, or a new regional authority to assume responsibility for a portion of the region's transportation system. These four bills are:

House Bill 2776 (Dillard), as introduced, would have authorized any city or county in Planning District 8 (Northern Virginia) to hold a referendum on whether to levy an additional sales tax of one cent, with the resulting revenues split evenly between transportation and public education. Because of strong opposition from delegates from outside the region (as well as some delegates from Loudoun, Prince William, and Fairfax), the House reduced the sales tax increase to one-half cent, all of which will go to transportation (if the bill is passed and signed by the Governor, and the tax is approved in a referendum). Other provisions of the current bill include the following:

- The locality referendum would be held November 6, 2001;
- The bill prohibits the referendum question from being placed on the ballot in a locality without the consent of the governing body;
- The bill incorporates a list of transportation projects, including \$200 million for Metro railcars and other Metro capital improvements (unlike SB 1368, discussed below, this bill includes no funding for DASH, and urban system improvements are funded at a level of \$50 million); and
- The bill allows up to 15 percent of the revenues that are not needed to pay debt service on transportation bonds to be used for transit operational costs, but only if the project is new or expanded transit.

House Bill 2776 has been passed by the House and is now under consideration by the Senate Committee on Finance.

Senate Bill 1368 (Saslaw) authorizes the levy of an additional sales tax of one cent in Planning District 8 (Northern Virginia) if approved by referendum. The resulting revenues would be split evenly between transportation and public education. Other provisions of this bill include the following:

- The referendum would be held in November, 2002;
- The transportation revenues would be forwarded to a regional authority, to be established by the 2001 or 2002 General Assembly;
- Education revenues would be forwarded to each locality, based on point of sale;
- The bill incorporates a list of transportation projects, including funding for Metro railcars and other Metro capital improvements (\$200 million), DASH (\$25 million), and urban system improvements (\$100 million); and
- The bill does not address the issue of using revenues that are not needed to pay debt service for transit operational costs.

Senate Bill 1368 has been passed by the Senate and is under consideration by the House Committee on Finance.

House Bill No. 2606 (McClure), in its current form, would create a Northern Virginia Transportation Authority, also consisting of the localities within Planning District 8. Components of the bill include the following:

- It would have 15 to 17 voting members (depending on how many Commonwealth Transportation Board members serve on it): 9 from local governments (one from each locality); 2 members of the General Assembly; 3 gubernatorial appointees; and one to three members of the Commonwealth Transportation Board: the Northern Virginia representative, and any of the urban at-large members who reside within Planning District 8 (there are two urban at-large members, who may or may not come from this planning district);
- The Authority would be responsible for long-range transportation planning and coordination, and would be authorized to issue bonds;
- No money is provided to the Authority;
- The administrative expenses of the Authority which exceed revenues from other sources (no revenue is provided by the legislation) would be allocated among the localities on the basis of relative population; and
- The bill states that it is “the intention of the General Assembly that the Northern Virginia Transportation Commission shall merge and be consolidated with the Authority no later than July 1, 2003,” subject to additional enabling legislation.

House Bill 2606 has been passed by the House and is now under consideration by the Senate Committee on Local Government.

Senate Bill 1355 (Mims), in its current form, also would create a Northern Virginia Transportation Authority, consisting of Planning District 8. Components of the bill include the following:

- It would have 15 to 17 voting members (depending on how many Commonwealth Transportation Board members serve on it): 9 from the local governments that make up the Authority, 2 state legislators, 3 citizens appointed by the Governor, and one to three members of the Commonwealth Transportation Board (CTB): the Northern Virginia representative, and any of the urban at-large members who reside within Planning District 8 (there are two urban at-large members, who may or may not come from this planning district);
- The Authority would use weighted voting upon the request of any two localities. Under weighted voting, each of the gubernatorial appointees and CTB members would have one vote. The local governments would have a total of nine votes, distributed according to their proportion of the population. Under this scenario, the City would have less than a full vote, which is less than each gubernatorial appointee and CTB member would have;
- The Authority's responsibilities would include long-range regional transportation planning, and recommendations to the CTB on regional funding allocations;
- The administrative expenses of the Authority which exceed revenues from other sources (no revenue is provided by the legislation) would be allocated among the localities on the basis of relative population;
- The Authority is authorized to issue bonds; and
- Like HB 2606, the Mims bill states that it is "the intention of the General Assembly that the Northern Virginia Transportation Commission shall merge and be consolidated with the Authority no later than July 1, 2003," subject to additional enabling legislation.

Senate Bill 1355 has been passed by the Senate and is under consideration by the House Committee on Transportation.

Mayor Donley, together with Mayor Dan Gardner of Falls Church and Board Chair Jay Fisette of Arlington, has sent a letter (Attachment 3) to the members of the Alexandria, Arlington, and Falls Church delegations to the General Assembly asking them to seek to have House Bill 2606 and SB 1355 put aside (defeated) for this Session, so that the Barry Commission (on which the Mayor serves) can develop appropriate Authority legislation for consideration by a future General Assembly Session.

State Budget Amendments. As noted in the memorandum provided to Council last week (Attachment 4), the House Appropriations and Senate Finance Committees recently released their proposed amendments to the biennial budget. The House has now approved the proposals from its Appropriations Committee, and likewise, the Senate has accepted its Finance Committee recommendations.

Over the next two weeks, the House and Senate will work to develop a final budget which both houses must approve. It is likely that some of the House amendments and some of the Senate amendments will be incorporated into the final budget. The major difference that must be resolved is whether to go forward with the Governor's proposed reductions to the car tax (70 percent of the first \$20,000 value in 2001, and 100 percent in 2002), or to change these reimbursements to a lesser amount. If the reimbursement rate is lowered, as the Senate has proposed, it frees up funds to address other needs.

The Mayor has sent a letter to the City's legislative delegation (Attachment 5), advising them of the City's recommendations for the final budget. Staff will also continue to monitor the budget proposals, and will provide Council with further information after the conclusion of the General Assembly Session.

STAFF:

Bernard Caton, Legislative Director
Michele Evans, Assistant City Manager

ATTACHMENTS:

Attachment 1 - Recommended Positions on Bills of Importance to the City, February 10, 2001

Attachment 2 - Current Status of Bills on Which the City Has Previously Taken a Position, February 10, 2001

Attachment 3 - Letter from Mayor Kerry Donley, Falls Church Mayor Dan Gardner, and Arlington Board Chair Jay Fisette to the members of the Alexandria, Arlington, and Falls Church delegations to the General Assembly, regarding House Bill 2606 and Senate Bill 1355

Attachment 4 - February 9, 2001, Memorandum: "General Assembly's Proposed Amendments to the Biennial Budget"

Attachment 5 - February 8, 2001, letter from Mayor Kerry Donley to the members of the Alexandria legislative delegation to the General Assembly regarding proposed budget amendments

Attachment 1
Recommended Positions on Bills of Importance to the City
February 12, 2001

HB2653 Child not responsible because of mental illness or mental retardation

Patron - Darner, L. Karen

Summary:

Child not responsible because of mental illness or mental retardation. Recognizes the finding of "not responsible because of mental illness or mental retardation" for a child charged with a delinquent act in juvenile court proceedings. The bill closely parallels the adult statute on not guilty by reason of insanity. The standard requires that the child, by reason of mental illness or mental retardation, did not know the nature and consequences of the delinquent act or if he did know, he did not know the act was wrong. The finding may not be based on immaturity, age, intoxication or substance abuse. If the court finds a child not responsible, and the child poses an unreasonable risk to the community, the court may commit the child to the Department of Mental Health, Mental Retardation and Substance Abuse Services for treatment. If the child does not pose a risk, the court may refer the child as one in need of services to the local family assessment and planning team for services under the Comprehensive Services Act for At-Risk Youth and Families. The bill adds such children to the mandated service pool under the Act. This bill is a recommendation of the Virginia Bar Association, which was requested by the General Assembly (see HJR 680, 1999) to review this area of the law. See also Commonwealth v. Chapman, 30 Va. App, 593, 601, 518 S.E.2d 847, 851 (1999) rev'd Virginia Supreme Court, November 3, 2000, Record No. 992706, where the Supreme Court held that the insanity defense is not available to juveniles absent specific statutory authority.

Status Change Dates:

02/05/01 House: Passed BLOCK VOTE (97-Y 0-N)

Position: Support

HB2676 Emergency protective orders; Virginia criminal information network

Patron - Rhodes, Anne G. (Panny)

Summary:

Emergency protective orders; Virginia criminal information network. Allows a court entering an emergency protective order to forward the information regarding the order to the Virginia criminal information network electronically. This bill does not change the information that must be forwarded, but under current law the method of transferring the information is not specified.

Status Change Dates:

02/05/01 House: Passed BLOCK VOTE (97-Y 0-N)

Position: Support

HB2790 Natural Gas Consumption Tax and local license tax on public utilities

Patron - Rust, John H. Jr.

Summary:

Natural Gas Consumption Tax and local license tax on public utilities. Allows any utility that has not collected the local license tax on a current basis to pay the tax in three annual installments beginning July 1, 2001, and to recover the taxes paid on natural gas sales by amortizing the amount over three years. The bill also makes two technical corrections.

Status Change Dates:

02/09/01 Senate: Referred to Committee on Finance

Position: Support

HB2836 Criminal background checks; adult substance abuse treatment programs

Patron - Christian, Mary T.

Summary:

Criminal background checks; adult substance abuse treatment programs. Permits community services boards, behavioral health authorities, and agencies licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire for adult substance abuse treatment programs persons who were convicted of certain barrier crimes, except murder or an offense for which registration is required on the Sex Offender and Crimes Against Minors Registry, provided that such conviction or completion of sentence for such conviction occurred more than five years prior to the application date for employment, when such community services board, behavioral health authority, or licensed contract agency has documented to its satisfaction that such persons do not present a risk to consumers based on their criminal history backgrounds and substance use, abuse or addiction histories and have been successfully rehabilitated as determined by screening conducted by the community services board, local government department, behavioral health authority or licensed agency and the state screening contractor used by the Department. The cost of such screening shall be paid by the applicant, unless the board, authority, local department or licensed agency decides, at its option, to pay such cost.

Status Change Dates:

02/09/01 Senate: Referred to Committee on Education and Health

Position: Support

HB2842 Transmittal of information to Virginia Criminal Information Network (VCIN)

Patron - O'Bannon, John M. III

Summary:

Transmittal of information to Virginia Criminal Information Network (VCIN). Allows the magistrate or court issuing a warrant or capias to enter information on a warrant or capias electronically into VCIN.

Status Change Dates:

02/07/01 Senate: Assigned to Committee for Courts of Justice

Position: Support

HJ811 Property exempt from taxation

Patron - Day, Bernie K.

Summary:

Repeals personal property tax.

Status Change Dates:

02/01/01 House: Incorporated by Privileges & Elections (HJ609-Rust) (20-Y 3-N)

Position: Oppose

SB843 Virginia Retirement System; partial lump-sum payment option

Patron - Stolle, Kenneth W.

Summary:

Virginia Retirement System; partial lump-sum payment option. Establishes lump-sum payment options for the payment of retirement allowances to eligible retiring members. A member who has satisfied the requirements for normal retirement or who has remained in service for at least three years after the date he was first eligible for an unreduced service retirement allowance may elect to receive a lump-sum distribution up to thirty-six times the monthly amount of his service retirement allowance. A member who has remained in service for at least two years after the date he was first eligible for an unreduced service retirement allowance may elect to receive a lump-sum distribution up to twenty-four times the monthly amount of his service retirement allowance. A member who has remained in service for at least one year after the date he was first eligible for an unreduced service retirement allowance may elect to receive a lump-sum distribution equal to twelve times the monthly amount of his service retirement allowance. If an eligible retiring member elects to receive a lump-sum distribution, his retirement allowance shall be reduced on an actuarially equivalent basis.

Status Change Dates:

02/02/01 House: Assigned to Committee on Appropriations

Position: Support

SB1322 Freedom of Information Act; exemption for certain electronic communications

Patron - Hawkins, Charles R.

Summary:

Freedom of Information Act; exemption for certain electronic communications. Clarifies that separately contacting the membership, or any part thereof, of any public body for the purpose of ascertaining a member's position with respect to the transaction of public business, whether such contact is done in person, by telephone or by electronic communication is not prohibited by FOIA, provided the contact is done on a one-to-one basis.

Status Change Dates:

02/05/01 House: Referred to Committee on General Laws

Position: E-Mail should be treated the same as other written materials.

SB1350 Comprehensive Services Act; family assessment and planning team

Patron - Ticer, Patricia S.

Summary:

Comprehensive Services Act; family assessment and planning team. Requires the family assessment and planning team to provide for the participation of foster parents in the assessment, planning and implementation of services for troubled youths. The family assessment and planning team shall notify the foster parents of a troubled youth of the time and place of all assessment and planning meetings related to such youth. Such foster parents shall be given the opportunity to speak at the meeting, submit written testimony if the foster parents are unable to attend, or sign a form indicating that they have nothing to add to the record. The opinions of the foster parents shall be considered by the family assessment and planning team in its deliberations.

Status Change Dates:

02/08/01 House: Reported from Health, Welfare & Institutions w/amendments (22-Y 0-N)

Position: Support as amended.

SB1353 Protective orders; firearms

Patron - Howell, Janet D.

Summary:

Protective orders; firearms. Amends statute that disallows a person from purchasing or transporting a firearm if the person is subject to a protective order; to provide that protective orders issued by another state or by the United States are covered by the prohibition.

Status Change Dates:

02/09/01 House: Referred to Committee on Militia & Police

Position: Support

Attachment 2
Current Status of Bills on Which the City Has Previously Taken a Position
January 20, 2001

HB1325 Income tax; different tax rate on income derived from sale of certain real estate

Patron - Almand, James F.

Summary:

Income tax; different tax rate on income derived from sale of certain real estate. Provides for the imposition of a 2.3 percent tax rate on the taxable proceeds of a sale of an apartment building or complex to its tenant organization or to a nonprofit organization, effective for taxable years beginning on and after January 1, 2001.

Status Change Dates:

01/15/01 Senate: Assigned to Committee on Finance

City Position: Support

HB1591 Professions and occupations; pawnbrokers

Patron - Callahan, Vincent F. Jr.

Summary:

Professions and occupations; pawnbrokers. Provides for pawnbrokers to charge a uniform interest rate of seven percent per month and a minimum charge of two dollars on loans secured by a pledge of tangible personal property. Current law does not provide for the minimum charge and allows pawnbrokers to charge up to ten percent for loans of \$25 or less, seven percent for loans between \$25 and \$100, and five percent for loans more than \$100. The bill also (i) requires pawnbrokers to take and maintain for at least one year a photographic record of each customer delivering goods, articles or things to be pawned or pledged and (ii) authorizes a service charge of no more than ten percent of the amount loaned.

Status Change Dates:

02/07/01 Senate: Reported from General Laws w/amendments (13-Y 2-N)

City Position: Support

HB1630 Preservation of historical sites and architectural areas

Patron - Callahan, Vincent F. Jr.

Summary:

Preservation of historical sites and architectural areas. States the policy and purpose for existing provisions that allow localities to adopt ordinances to protect historic landmarks and other areas. Adds architectural areas to those areas that may be included in such an ordinance and defines "architectural area" to include an area where the visual impact of buildings and development can be significant on the economic, cultural, or scenic attributes of the community. Localities that adopt an architectural area district are required to adopt standards to guide decision making within the district.

Status Change Dates:

01/30/01 House: Tabled in Counties, Cities & Towns (22-Y 0-N)

City Position: Support

HB1633 Emergency custody of certain abandoned children

Patron - Moran, Brian J.

Summary:

Emergency custody of certain abandoned children. Provides that if a parent voluntarily delivers physical custody of a child no older than 72-hours to a licensed hospital and does not express an intent to return for the child, the hospital shall take physical custody of the child, take any action necessary to protect the child's physical health and safety and immediately notify the local board of social services. The parents may remain anonymous and are presumed to have consented to termination of their parental rights. Hospital personnel who accept these children would be immune from civil and criminal liability. The Commonwealth shall reimburse the hospital for the hospital's actual expenses in accepting and caring for the child. The local board of social services shall assume the care, control and custody of the child immediately upon receipt of notice from the hospital and petition the court for a preliminary protective order for the child, hold a hearing the next business day and appoint a guardian ad litem. The bill provides an affirmative defense to prosecution for abuse and neglect for parents solely on the basis that they voluntarily abandoned their child. The bill requires the Board of Health to implement regulations requiring licensed hospitals to implement protocols for taking physical custody of abandoned children. The local department of social services shall contact local law-enforcement to determine whether the abandoned child is a missing child and maintain records on the number of children who have been abandoned and forward the information to the Department of Social Services. The Department of Social Services shall file an annual report with the General Assembly on the statewide number of abandoned children. The Department of Social Services, in conjunction with the Department of Health, shall launch a media campaign to promote safe placement alternatives for newborn infants and publicize the emergency custody for certain abandoned children procedures.

Status Change Dates:

02/04/01 House: Incorporated by Courts of Justice (HB 1891 Griffith) (22-Y 0-N)

City Position: City Package bill – Support

HB1635 Distribution of general funds to localities

Patron - Diamonstein, Alan A.

Summary:

Distribution of general funds to localities. Requires that two percent of the total general funds be returned to localities based equally on size of population and degree of fiscal stress.

Status Change Dates:

01/31/01 House: Tabled in Finance (21-Y 2-N)

City Position: Oppose

HB1673 Clustering of single-family detached dwellings

Patron - Albo, David B.

Summary:

Clustering of single-family detached dwellings. Provides that subdivision and zoning ordinances

shall contain reasonable provisions allowing the clustering of single-family detached dwellings so as to preserve open space. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for the clustering of single-family detached dwellings on lots that are up to 20 percent smaller than otherwise required by local ordinance. There is a delayed effective date of July 1, 2002.

Status Change Dates:

02/02/01 House: Passed by in Counties, Cities & Towns with letter (22-Y 0-N)

City Position: Oppose unless modified to address City concerns about infill developments

HB1692 Religious and charitable matters; affirmation of religious freedom

Patron - Black, Richard H.

Summary:

Religious and charitable matters; affirmation of religious freedom. Prohibits government entities from burdening the free exercise of religion. The bill defines "government entity" as any branch, department, agency or instrumentality of state government, or any political subdivision of the State.

Status Change Dates:

02/01/01 House: Stricken at request of Patron in Courts of Justice (22-Y 0-N)

City Position: Oppose

HB1697 Department of Housing and Community Development; low interest loans for teachers

Patron - Baskerville, Viola O.

Summary:

Requires the Director of the Department of Housing and Community Development to develop and administer, with any funds made available, a mortgage loan program for teachers under contract with a Virginia school board that shall provide for interest rates below the prevailing rate of interest in Virginia for similar programs and be conditioned on the agreement by such teachers to teach in Virginia for a minimum of three years.

Status Change Dates:

02/04/01 House: Tabled in Appropriations (23-Y 5-N)

City Position: Support

HB1767 Co-location of utility easements; intervention by localities

Patron - Woodrum, Clifton A. (Chip)

Summary:

Co-location of utility easements; intervention by localities. Authorizes local governments through which a pipeline, power or telephone line, water or sewer main or similar work is proposed to be constructed to apply to the State Corporation Commission for an order requiring the location of such facilities within existing utility rights-of-way. Any public service corporation proposing to acquire an easement will be required to file a report with the Commission summarizing its analysis of the feasibility of co-locating its lines with existing easements and provide copies of the report to the local governing bodies. Currently, the

Commission is required to hold a hearing on the joint use of an easement only if the corporation owning a right-of-way denies a request for its joint use. The Commission shall direct the joint use if it finds that it is reasonable and that the present or future public utility service of the corporation will not be affected by the joint use.

Status Change Dates:

02/09/01 Senate: Passed Senate (38-Y 0-N)

City Position: Support

HB1809 Cause of action for false allegation of unlawful discrimination

Patron - McClure, Roger J.

Summary:

Cause of action for false allegation of unlawful discrimination. Allows any person who is the subject of a false allegation of unlawful discrimination, within three years from the date of the false allegation, to bring an action in a court of law for compensatory damages and attorney's fees.

Status Change Dates:

02/04/01 House: Stricken at Request of Patron in General Laws (25-Y 0-N)

City Position: Oppose

HB1817 Parking; local vehicle licenses

Patron - Kilgore, Terry G.

Summary:

Parking; local vehicle licenses. Provides that if parked vehicles do not display required local vehicle licenses, the registered owners of the vehicles will be presumed to be the persons responsible.

Status Change Dates:

01/22/01 Senate: Referred to Committee on Transportation

City Position: Support

HB1829 Impact fees for residential development

Patron - Hargrove, Frank D. Sr.

Summary:

Impact fees for residential development. Allows a locality to adopt an ordinance providing for payment of impact fees for residential development. The impact fee shall be in an amount representing the proportional total or partial cost of capital improvements reasonably related to the transportation, education, emergency services, law enforcement, recreation, library or other needs for public facilities generated by the additional residential development. No impact fee shall be assessed unless the capital improvements related to the additional development have been included in the locality's capital improvement program. All impact fees collected must be used by the locality to complete capital improvements specified in the ordinance.

Status Change Dates:

02/01/01 House: Left in Counties, Cities & Towns (18-Y 4-N)

City Position: Support

HB1835 Inoperable motor vehicles

Patron - Howell, William J.

Summary:

Inoperable motor vehicles. Allows certain localities to enforce violations of inoperable motor vehicle ordinances under its zoning ordinance as it would a zoning violation.

Status Change Dates:

01/26/01 House: Tabled in Counties, Cities & Towns (22-Y 0-N)

City Position: Support

HB1860 "Photo-red" traffic light signal enforcement programs

Patron - McQuigg, Michele B.

Summary:

"Photo-red" traffic light signal enforcement programs. Authorizes implementation of "photo-red" traffic light signal enforcement programs in Manassas, Manassas Park, and Prince William County. The bill also requires that certificates of inspection of images produced by "photo-red" monitoring systems be sworn to by law-enforcement officers, rather than by technicians or other local government employees.

Status Change Dates:

01/29/01 House: Passed by indefinitely in Militia & Police (23-Y 0-N)

City Position: Oppose provision that requires a law enforcement officer to affirm a notice of violation

HB1873 Voluntary remediation of contaminated properties

Patron - Deeds, R. Creigh

Summary:

Voluntary remediation of contaminated properties. Expands the voluntary remediation program for properties owned by local governments. The bill eliminates the requirement that local governments pay registration fees when voluntarily remediating their properties. The bill also creates the Virginia Voluntary Remediation Fund, which would provide grants to local governments to help encourage remediation of contaminated properties.

Status Change Dates:

01/30/01 Senate: Referred to Committee on Agriculture, Conservation & Natural Resources

City Position: Support

HB1888 ABC; refusal to grant license

Patron - Rhodes, Anne G. (Panny)

Summary:

Expands the types of information that the ABC Board must consider in deciding whether to issue

an ABC license to include the effects the establishment would have on the character of the neighborhood in which it would be located and objections filed by local residents.

Status Change Dates:

01/29/01 House: Tabled in General Laws (23-Y 2-N)

City Position: Support

HB1898 Persons with mental illness, mental retardation or substance abuse problems; state and local human rights committees

Patron - Johnson, Joseph P. Jr.

Summary:

Persons with mental illness, mental retardation or substance abuse problems; state and local human rights committees. Clarifies that at least two consumers shall serve on state or local CSB human rights committees who are receiving or have received public or private mental health, mental retardation, or substance abuse treatment or habilitation services.

Status Change Dates:

02/08/01 Senate: Reported from Education & Health (15-Y 0-N)

City Position: Support

HB1916 "Photo red" traffic light signal enforcement program

Patron - Van Yahres, Mitchell

Summary:

"Photo red" traffic light signal enforcement program. Adds Charlottesville and Albemarle County to the list of localities authorized to have "photo red" traffic light signal enforcement programs.

Status Change Dates:

01/29/01 House: Passed by indefinitely in Militia & Police (23-Y 0-N)

City Position: Support

HB1931 Virginia Public Procurement Act; use of best value concepts

Patron - Cox, M. Kirkland

Summary:

Virginia Public Procurement Act; use of best value concepts. Prohibits public bodies from using best value to require contractors to pay "living wage" rates established by the public body.

Status Change Dates:

02/07/01 Senate: Assigned to Committee on General Laws

City Position: Oppose

HB1948 Clustering of dwellings

Patron - Hull, Robert D.

Summary:

Clustering of dwellings. Requires localities to include in their subdivision and zoning ordinances provisions allowing the clustering of single-family detached dwellings on lots of lesser size so as

to preserve open space. No ordinance shall require that a special use permit be obtained for such clustering.

Status Change Dates:

02/02/01 House: Passed by in Counties, Cities & Towns with letter (22-Y 0-N)

City Position: Oppose

HB1950 Northern Virginia Transportation Development Authority

Patron - Hull, Robert D.

Summary:

Northern Virginia Transportation Development Authority. Creates the Northern Virginia Transportation Development Authority. The Authority is empowered to issue bonds to finance or assist in the financing of multi-jurisdictional transportation projects under the Public-Private Transportation Act of 1995 in Northern Virginia.

Status Change Dates:

02/06/01 House: Defeated by House (64-Y 34-N)

02/06/01 House: Passage required 67 affirmative votes

City Position: Oppose

HB1969 Local control of firearms

Patron - McClure, Roger J.

Summary:

Prohibits localities, after January 1, 1987, from adopting any ordinance, resolution, motion, administrative rule or regulation governing the purchase, possession, transfer, ownership, carrying or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute.

Status Change Dates:

02/06/01 House: Passed House (57-Y 40-N)

City Position: Oppose

HB1994 Imposition and administration of income and property taxes

Patron - Parrish, Harry J.

Summary:

Increases the individual income tax rate by one percent at each level (from 2 to 3 percent, 3 to 4 percent, 5 to 6 percent, and 5 3/4 to 6 3/4 percent) and the corporate income tax rate from 6 to 7 percent, effective January 1, 2002. The bill also limits the rate localities may levy for the personal property tax to \$0.01 per \$100 of assessed value. The Tax Commissioner will administer the additional income tax revenues and distribute them to the localities based on the residence of each individual taxpayer and each locality's share of full-time employees.

Status Change Dates:

02/05/01 House: Left in Finance

City Position: Oppose

HB1999 Local tax administration; warrants, tax bills and security interests

Patron - Parrish, Harry J.

Summary:

Provides that (i) treasurers may deduct other charges in addition to taxes due from a party in whose favor a warrant is drawn, (ii) treasurers may transmit any local tax bill by means of facsimile transmission or e-mail, and (iii) taxes specifically assessed against goods and chattels distrained constitute a lien against the property so assessed.

Status Change Dates:

02/07/01 Senate: Reported from Finance with amendments (15-Y 0-N)

City Position: Support

HB2012 Retirement; health insurance credits

Patron - Jackson, Thomas M. Jr.

Summary:

Raises monthly health insurance credit by \$1 for each year of creditable service to retired (i) state employees, (ii) local employees, constitutional officers & their employees, and local social service employees, and (iii) teachers. Under current law such monthly credit for retirees for each year of service is: (i) \$4 for state employees; (ii) \$1.50 for local employees, constitutional officers & their employees, and local social service employees; and (iii) \$2.50 for teachers.

Status Change Dates:

02/01/01 House: Tabled in Appropriations (26-Y 2-N)

City Position: Oppose

HB2017 Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund

Patron - May, Joe T.

Summary:

Establishes the Localities' Share of Individual Income Tax Revenue Fund into which two percent of individual income tax revenues shall be deposited in 2003 for distribution to localities. The percentage increases two percent each year until it reaches a maximum of 10 percent in 2007. The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed based on the relative share of the total state income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities. The amount distributed to counties is then to be shared with towns located within the counties based on the towns' relative share of total population within the county. Fifty percent of the amount distributed to any county with towns would be divided among the county and its towns based on population.

Status Change Dates:

01/31/01 House: Tabled in Finance (22-Y 1-N)

City Position: Support (this is the VML/VACO 50/40/10 plan supported by the City)

HB2036 State and local income tax

Patron - Rust, John H. Jr.

Summary:

State and local income tax. (i) Reduces the individual state income tax rates by approximately 13.75 percent; (ii) authorizes localities to impose a local income tax at rates equivalent to the reduction in the state income tax; (iii) exempts from taxation motor vehicles used for nonbusiness purposes; and (iv) repeals the Personal Property ("car tax") Relief Act of 1998. The bill is effective: (i) January 1, 2003, and (ii) only if a Constitutional amendment is ratified by the voters exempting motor vehicles used for nonbusiness purposes from taxation.

Status Change Dates:

01/31/01 House: Tabled in Finance (23-Y 0-N)

City Position: Oppose

HB2058 Requirements for the use of photo-monitoring system to enforce traffic light signals

Patron - McQuigg, Michele B.

Summary:

Provides that prior to considering any ordinance authorizing an authority to use a photo-monitoring system to enforce traffic light signals, also known as "photo-red," the locality must first hold a public hearing and adopt a resolution explaining that certain requirements have been met for each intersection under consideration. The bill further provides that the localities that were already authorized to use photo-red until July 1, 2005, may continue to do so until July 1, 2005. After that, localities must also adopt an ordinance pursuant to the requirements of this bill.

Status Change Dates:

01/29/01 House: Passed by indefinitely in Militia & Police (23-Y 0-N)

City Position: Oppose

HB2075 Fire Programs Fund

Patron - Landes, R. Steven

Summary:

Fire Programs Fund. Allows localities to use funds from the Fire Programs Fund for purchasing preventive medical care and equipment for fire personnel and for payment of personnel costs related to fire and medical training for the general public.

Status Change Dates:

01/22/01 Senate: Assigned to Committee on Commerce and Labor

City Position: Support

HB2080 Retirement; health insurance credits

Patron - Putney, Lacey E.

Summary:

Raises the monthly health insurance credits by \$1.00 for each year of creditable service to retired (i) state employees, (ii) local employees, constitutional officers and their employees, and local social service employees, and (iii) teachers. Under current law such monthly credit for each year of creditable service is: (i) \$4.00 for retired state employees; (ii) \$1.50 for retired local employees, constitutional officers and their employees, and local social service employees; and (iii) \$2.50 for retired teachers.

Status Change Dates:

02/01/01 Senate: Assigned to Committee on Commerce and Labor

City Position: Oppose

HB2112 Stalking; changes in proof and definitions; penalty

Patron - Suit, Terrie L.

Summary:

Stalking; changes in proof and definitions; penalty. Changes the proof of knowledge of the defendant in a stalking case from actual knowledge to a standard requiring that the defendant know or should know that his stalking conduct places another person in reasonable fear of death, criminal sexual assault, or bodily injury. The bill clarifies that it is not necessary to prove that the defendant had the intent to actually carry out the threat and that the present incarceration of a person making the threat shall not be a bar to prosecution under this section. The bill also provides that any combination of convictions of stalking and misdemeanor criminal sexual assault or assault and battery occurring within five years is a Class 6 felony. The bill also clarifies definitions used in the stalking law.

Status Change Dates:

02/07/01 Senate: Assigned to Committee for Courts of Justice

City Position: Support

HB2124 Taxation; collection of local taxes

Patron - Johnson, Joseph P. Jr.

Summary:

Taxation; collection of local taxes. (i) Provides that the statutory setoff applies to all charges collected by the treasurer; (ii) authorizes treasurers to transmit tax bills by electronic means; and (iii) clarifies that the lien for taxes due attaches to property that has been specifically assessed.

Status Change Dates:

01/22/01 House: Incorporated by Finance (HB1999-Parrish) (23-Y 0-N)

City Position: Support

HB2130 Concealed handgun permit application, reciprocity, definition of explosion, and satisfaction of photo-identification requirement; penalty

Patron - McClure, Roger J.

Summary:

Defines concealed handgun permit application completion, redefines reciprocity requirements for recognition in Virginia of a permit issued by another state and redefines authority to ascertain another state's permit requirements for reciprocity. The bill also redefines explosion to include the requirement that combustible material causes the explosion. The bill also specifies a DMV-issued photo-identification as an acceptable card to satisfy the requirement that a permit holder carry a government issued photo-identification card. Finally, the bill defines those nightclubs serving alcohol where a handgun would be prohibited, the requirements for posting of the prohibition, and penalties.

Status Change Dates:

02/06/01 House: PASSED (96-Y 3-N)

City Position: Oppose

HB2148 Retirement; health insurance credits for retired teachers

Patron - Dillard, James H. II

Summary:

Reduces from 15 years to five years the amount of creditable service required for eligibility to receive monthly health insurance credits by retired teachers.

Status Change Dates:

02/01/01 House: Tabled in Appropriations (21-Y 7-N)

City Position: Support

HB2165 Certain historic properties; notification prior to sale

Patron - Van Landingham, Marian

Summary:

Requires an owner with tax exempt status under §§ 501 (c) (3) of the IRS Code to provide written notice of the intent to sell certain historic properties at least 90 days prior to the sale or offering of such property for sale. The notification requirement is waived where (i) only a portion of the property is being sold or transferred and the portion not sold remains open to the public at least 120 days a year; (ii) the property is being transferred to another owner with tax exempt status under §§ 501 (c) (3) and the property remains open to the public at least 120 days a year; or (iii) an easement, right-of-way, or leasehold interest in the property is being sold or transferred and the property remains open to the public at least 120 days a year. Failure to provide the required notice will not be the basis for invalidation of the sale, but may subject the terms of the sale to special review by the Attorney General.

Status Change Dates:

01/23/01 Senate: Assigned to Committee on Conservation & Natural Resources

City Position: City Package Bill – Support

HB2166 Child protective services differential response system

Patron - Nixon, Samuel A. Jr.

Summary:

Prohibits local departments who are responding to a report or complaint of child abuse or neglect by conducting a family assessment from petitioning the court for services deemed necessary, including, but not limited to, removal of the child or his siblings from their home.

Status Change Dates:

02/03/01 House: Passed by indefinitely in Health, Welfare & Institutions (18-Y 3-N)

City Position: Oppose

HB2170 Parking regulation

Patron - Nixon, Samuel A. Jr.

Summary:

Provides that violators of certain local parking ordinances shall be subject to a civil penalty not to exceed \$75, the proceeds from which shall be paid into the locality's general fund.

Status Change Dates:

02/07/01 Senate: Assigned to Committee on Transportation

City Position: Oppose

HB2224 Commonwealth Mass Transit Funds

Patron - Almand, James F.

Summary:

Commonwealth Mass Transit Funds. Requires the allocations from the Commonwealth Mass Transit Fund be used to support 80 percent (rather than a maximum of 95 percent) of the costs borne by the localities for the purchase of fuels, lubricants, tires and maintenance parts and supplies for public transportation in 2002, and 95 percent in 2003 and succeeding years.

Status Change Dates:

02/06/01 House: PASSED (97-Y 2-N)

City Position: Oppose

HB2242 Sales and use tax on food purchased for human consumption

Patron - Day, Barnie K.

Summary:

Effective July 1, 2001, exempts food purchased for human consumption, as defined in the Food Stamp Act of 1977, 7 U.S.C. §§ 2012, as amended, from state and local sales and use taxes. The

bill provides for a General Fund reimbursement for the current (i) one-half percent of the state sales and use tax paid into the Transportation Trust Fund; (ii) one percent local sales and use tax; and (iii) one percent sales and use tax distributed to localities by school population. .

Status Change Dates:

01/31/01 House: Passed by indefinitely in Finance (15-Y 8-N)

City Position: Oppose

HB2248 Local sales and use tax

Patron - Day, Bernie K.

Summary:

Local sales and use tax. Authorizes any locality to levy an additional local sales and use tax at the rate of one percent. The revenue generated by the additional tax shall be used solely to build and maintain roads within the locality or within the locality's planning district.

Status Change Dates:

01/31/01 House: Passed by indefinitely in Finance (23-Y 0-N)

City Position: Oppose

HB2249 Individual income tax; distributions to localities

Patron - Day, Bernie K.

Summary:

Individual income tax; distributions to localities. Provides for the distribution to localities of one percent of the revenues collected annually from the individual income tax based on each taxpayer's residence, beginning January 1, 2002. It also establishes a nonreverting fund into which the revenues are to be deposited before being distributed to localities.

Status Change Dates:

01/31/01 House: Tabled in Finance (23-Y 0-N)

City Position: Oppose

HB2251 Sales and use tax; temporary exemption

Patron - Day, Bernie K.

Summary:

Sales and use tax; temporary exemption. Provides an exemption from the state sales and use tax for tangible personal property items purchased for the period August 29 through September 7 each year.

Status Change Dates:

01/31/01 House: Stricken at request of Patron in Finance (22-Y 1-N)

City Position: Oppose

HB2275 BPOL tax; license fees, rates and requirements

Patron - Shuler, James M.

Summary:

BPOL tax; license fees, rates and requirements. Requires localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2004, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2004, and (iii) reduce the several different rates currently in the Code to a flat rate of 20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2004.

Status Change Dates:

02/03/01 House: Tabled in Finance (19-Y 2-N)

City Position: Oppose

HB2287 Consumer utility taxes; exemption for churches and religious bodies

Patron - Barlow, William K.

Summary:

Consumer utility taxes; exemption for churches and religious bodies. Allows localities' governing bodies to exempt churches and religious bodies from payment of any or all of the consumer utility taxes.

Status Change Dates:

02/09/01 Senate: Assigned to Committee on Finance

City Position: Support

HB2328 Assault and battery against a family or household member; penalty

Patron - Baskerville, Viola O.

Summary:

Assault and battery against a family or household member; penalty. Provides, among other things, that upon conviction for an assault and battery against a family or household member, where it is alleged that (i) such person has been previously convicted of a violation of this section or a violation of a protective order and (ii) within 72 hours of that person's release from incarceration serving sentence for such conviction, commits a violation of this section or a violation of a protective order, such person shall be guilty of a Class 6 felony.

Status Change Dates:

02/09/01 Senate: Assigned to Committee for Courts of Justice

City Position: Support

HB2347 Ballistic fingerprinting of handguns; penalty

Patron - McEachin, A. Donald

Summary:

Ballistic fingerprinting of handguns; penalty. Requires that any manufacturer of firearms that ships or transports a handgun to be sold, rented, or transferred in the Commonwealth of Virginia shall include, in the box with the handgun in a separate sealed container, a shell casing of a projectile discharged from that handgun and any additional information that may be required by the Superintendent of State Police that identifies the type of handgun and shell. The bill also

provides that upon receipt of a handgun from the manufacturer, the dealer shall confirm to the Department of State Police that the manufacturer complied with the provisions of subsection B and that upon the sale or transfer of the handgun, the dealer shall forward the shell casing in the sealed container to the Department of State Police and that upon receipt of the shell casing and any required additional information, the Department of State Police shall enter the information in all pertinent databases. Violation of the section would be a Class 1 misdemeanor.

Status Change Dates:

02/03/01 House: Passed by indefinitely in Militia & Police (17-Y 4-N)

City Position: Support

HB2386 Religious and charitable matters; religious freedom preserved

Patron - McClure, Roger J.

Summary:

Religious and charitable matters; religious freedom preserved. Provides that no government entity shall substantially burden a person's free exercise of religion except if (i) the government entity proves that application of the restriction to the person is essential to further a compelling governmental interest and (ii) the proposed action is the least restrictive means of furthering that interest. "Government entity" as defined under the bill includes state and local governments and those officials acting under color of state law. The bill provides that a person whose exercise of religious freedom has been burdened may assert a claim of violation in a judicial proceeding and the court may grant appropriate relief, including attorneys' fees.

Status Change Dates:

02/04/01 House: Passed by indefinitely in General Laws (15-Y 9-N)

City Position: Oppose

HB2409 Funding of local health departments

Patron - Bryant, L. Preston Jr.

Summary:

Funding of local health departments. Requires, notwithstanding any other provision of law or regulation to the contrary, the Board of Health to include, in any agreement with any county or city for the operation of its health department or any funding allocation for any independent local health department, a stipulation for the Commonwealth to assume, on a phased-in basis, the full costs of such services and operations of the various local health departments as are required by state law. The Board's funding allocations must provide for such yearly incremental increases to reach 100 percent state funding of all required local health department services and operations over a five-year period, beginning on July 1, 2002, and ending on June 30, 2006.

Status Change Dates:

02/02/01 House: Tabled in Appropriations (15-Y 4-N)

City Position: Oppose

HB2415 Legislative consideration of use of photo-monitoring system to enforce traffic light signals

Patron - May, Joe T.

Summary:

Legislative consideration of use of photo-monitoring system to enforce traffic light signals. Provides that prior to considering any legislation authorizing an authority to use a photo-monitoring system to enforce traffic light signals, also known as "photo-red," the locality must adopt a resolution requesting the General Assembly for such authority and explaining the need for using photo-red. Such resolution must be submitted to the committee of the General Assembly considering such legislation. The bill further provides that the localities that were authorized to use photo-red prior to July 1, 2001, and have in fact been using photo-red may continue to do so until July 1, 2005. After July 1, 2005, such localities must also be granted authority to use photo-red by legislation enacted pursuant to the requirements of this bill.

Status Change Dates:

01/29/01 House: Passed by indefinitely in Militia & Police (20-Y 3-N)

City Position: Oppose

HB2444 Parking fines; personal property taxes on vehicles

Patron - Almand, James F.

Summary:

Parking fines; personal property taxes on vehicles. Allows local governing bodies to enter into regional compacts for the inter-jurisdictional enforcement of local parking and vehicular personal property tax ordinances.

Status Change Dates:

01/31/01 Senate: Referred to Committee on Transportation

City Position: Support

HB2452 Sale price of motor vehicles subject to the motor vehicle sales and use tax

Patron - Clement, Whittington W.

Summary:

Sale price of motor vehicles subject to the motor vehicle sales and use tax. Reduces the taxable price of a motor vehicle for purposes of determining motor vehicle sales and use tax liability by the value of any motor vehicle taken in trade. The amount of credit for a vehicle taken in trade is the lesser of the allowance given by the seller or the wholesale value of the vehicle as specified in a recognized pricing guide.

Status Change Dates:

01/31/01 House: Passed by indefinitely in Finance (23-Y 0-N)

City Position: Oppose

HB2472 Electric utility restructuring; renewable energy

Patron - Plum, Kenneth R.

Summary:

Electric utility restructuring; renewable energy. Defines renewable energy as energy that is derived from the sun or other natural processes and is replenishable by natural processes over relatively short time periods. It specifically includes energy derived from sunlight, wind, falling water, sustainable biomass, energy from waste, wave motion, tides, and geothermal power, and excludes energy derived from coal, oil, natural gas or nuclear power. This is a recommendation of the Consumer Advisory Board established under the Electric Utility Restructuring Act.

Status Change Dates:

01/24/01 Senate: Referred to Committee on Commerce and Labor

City Position: Support

HB2488 Civil immunity and privileged communications

Patron - Moran, Brian J.

Summary:

Civil immunity and privileged communications. Provides immunity from civil liability for any act, decision, omission, or utterance made by a member of a community services board or a behavioral health authority in the performance of his duties, as long as such act, decision, omission, or utterance is not done in bad faith or with malice. While providing such immunity, the bill ensures that the minutes, records, and reports of such bodies are not privileged communications.

Status Change Dates:

02/06/01 Senate: Referred to Committee on Rehabilitation & Social Services

City Position: City Package Bill – Support

HB2489 Taxation; local recordation tax rates

Patron - Moran, Brian J.

Summary:

Taxation; local recordation tax rates. Increases the maximum local recordation tax rate from one-third of the state recordation tax rate to two-thirds of the state recordation tax rate. Any increased revenues resulting from such increase in the maximum tax rate shall be used exclusively for acquiring and preserving open-spaces.

Status Change Dates:

01/22/01 House: Passed by indefinitely in Finance (23-Y 0-N)

City Position: City Package Bill – Support

HB2511 Sales and use tax exemption; school-related items

Patron - Reid, John S. (Jack)

Summary:

Sales and use tax exemption; school-related items. Provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of

August each year. The exempt items are: (i) school supplies, footwear, and clothing where the selling price of each item is \$100 or less; (ii) computer systems where the selling price for each system is \$1,500 or less; and (iii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

Status Change Dates:

02/07/01 Senate: Referred to Committee on Finance

City Position: Oppose

HB2598 Fire emergencies

Patron - Putney, Lacey E.

Summary:

Fire emergencies. Provides that the property owner or occupant shall not be denied access to his property during an emergency incident if the access does not interfere with the duties of the fire department.

Status Change Dates:

01/31/01 House: Tabled in General Laws

City Position: Oppose

HB2606 Northern Virginia Transportation Authority

Patron - McClure, Roger J.

Summary:

Northern Virginia Transportation Authority. Establishes the Northern Virginia Transportation Authority to consolidate the roles of the Northern Virginia Transportation District Commission and other regional transportation entities. The Authority is given general responsibility for transportation projects, programs, and priorities for Northern Virginia, and is vested with the ability to issue bonds, subject to General Assembly approval. The bill also provides for a study of its provisions and possible additions to its provisions by the joint subcommittee to study creation of a Northern Virginia Regional Transportation Authority (established by SJR 121 of the 2000 Session). The bill would not become effective until July 1, 2002.

Status Change Dates:

02/09/01 Senate: Referred to Committee on Local Government

City Position: Oppose

HJ609 Constitutional amendment (first resolution); taxation; exemptions

Patron - Rust, John H. Jr.

Summary:

Constitutional amendment (first resolution); taxation; exemptions. Exempts from taxation motor vehicles used for nonbusiness purposes.

Status Change Dates:

02/09/01 Senate: Referred to Committee on Privileges and Elections

City Position: Oppose

HJ610 Study; Northern Virginia Regional Transportation Authority

Patron - Rust, John H. Jr.

Summary:

Study; Northern Virginia Regional Transportation Authority. Extends for an additional year the mandate of the Joint Subcommittee to Study Creation of a Northern Virginia Regional Transportation Authority, established in 2000 pursuant to Senate Joint Resolution No. 121.

Status Change Dates:

02/09/01 Senate: Referred to Committee on Rules

City Position: Support

HJ613 Study; transportation authority for Planning District VIII

Patron - Marshall, Robert G.

Summary:

Study; transportation authority for Planning District VIII. Creates a 10-member joint subcommittee to study the creation of a transportation authority for Planning District VIII.

Status Change Dates:

02/04/01 House: Tabled in Rules (17-Y 0-N)

City Position: Oppose

HJ644 Study; Northern Virginia Transportation Compact

Patron - Bolvin, Thomas M.

Summary:

Study; Northern Virginia Transportation Compact. Requests the Virginia Department of Transportation to study the Northern Virginia Transportation Compact developed by the Northern Virginia business community in an effort to address the region's transportation needs and report to the Governor on the desirability and feasibility of implementing the Compact's recommendations.

Status Change Dates:

02/04/01 House: Incorporated by Rules. (HJ610-Rust) (17-Y 0-N)

City Position: Oppose

HJ672 Study; protective orders

Patron - Moran, Brian J.

Summary:

Study; protective orders. Directs the Virginia State Crime Commission to study procedures involving protective orders.

Status Change Dates:

02/04/01 House: Tabled in Rules (16-Y 1-N)

City Position: City Package Bill – Support

HJ680 Study; responsibility for secondary highways and mass transit in Northern Virginia

Patron - O'Brien, James K. (Jay) Jr.

Summary:

Study; responsibility for secondary highways and mass transit in Northern Virginia. Requests the Secretary of Transportation to study the desirability and feasibility of transferring responsibilities for secondary highways in Northern Virginia from the Virginia Department of Transportation to the region's counties and vesting in the Virginia Department of Rail and Public Transportation exclusive responsibility for the region's mass transit programs and facilities.

Status Change Dates:

02/04/01 House: Tabled in Rules (16-Y 1-N)

City Position: Oppose

SB815 Unlawful employment practices; sexual orientation

Patron - Whipple, Mary Margaret

Summary:

Unlawful employment practices; sexual orientation. Prohibits employers employing more than five but less than 15 persons from discharging an employee on the basis of sexual orientation.

Status Change Dates:

02/04/01 Senate: Failed to report (defeated) in Courts of Justice (6-Y 9-N)

City Position: Support

SB912 Permanent foster care placement

Patron - Potts, H. Russell Jr.

Summary:

Permanent foster care placement. Provides a local department of social services or a licensed child-placing agency with the authority to place a child over whom it has had legal custody for not less than 18 months whether or not such child has need of treatment services in a permanent foster care placement or child-caring institution licensed pursuant to §63.1-196. This bill contains technical amendments.

Status Change Dates:

02/09/01 House: Referred to Committee on Rules

City Position: Oppose

SB933 Firearm locks required for sale or transfer of handguns; warning against accessibility to children; penalty

Patron - Howell, Janet D.

Summary:

Firearm locks required for sale or transfer of handguns; warning against accessibility to children; penalty. Makes it unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun (i) to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun, or (ii) to any person, unless the handgun is accompanied by a warning in conspicuous and legible type in capital letters printed on a label affixed to the gun and on a separate sheet of paper included within the packaging enclosing the handgun, warning that handguns should be locked and kept away from children and that there may be civil and criminal liability for failing to do so.

Status Change Dates:

02/06/01 Senate: Left in Finance

City Position: Support

SB947 "Photo-red" traffic light signal enforcement programs

Patron - Colgan, Charles J.

Summary:

"Photo-red" traffic light signal enforcement programs. Adds Albemarle, James City, Prince William, and York Counties and the cities of Charlottesville, Hampton, Manassas, Manassas Park, and Newport News to the list of localities authorized to have "photo-red" traffic light signal enforcement programs. The bill also requires that certificates of inspection of images produced by "photo-red" monitoring systems be sworn to by law-enforcement officers, rather than by technicians or other local government employees.

Status Change Dates:

02/06/01 House: Assigned to Militia & Police

City Position: Oppose provision that requires a law enforcement officer to affirm a notice of violation

SB961 Virginia Public Procurement Act; use of best value concepts

Patron - Martin, Stephen H.

Summary:

Virginia Public Procurement Act; use of best value concepts. Prohibits public bodies from using best value to require contractors to pay "living wage" rates established by the public body.

Status Change Dates:

02/02/01 Senate: Defeated (18-Y 21-N)

City Position: Oppose

SB1002 Housing Development Authority; regulations

Patron - Ticer, Patricia S.

Summary:

Housing Development Authority; regulations. Requires the Housing Development Authority to

develop regulations providing that single-family mortgage loans may be made to more than one person if the persons to whom the loan is to be made are living together in the dwelling as a single, nonprofit housekeeping unit.

Status Change Dates:

01/17/01 Senate: Passed by indefinitely in General Laws (8-Y 5-N 1-A)

City Position: City Package Bill – Support (although bill has been defeated)

SB1005 Hate crimes; penalty

Patron - Ticer, Patricia S.

Summary:

Hate crimes; penalty. Adds sexual orientation to the categories of victims whose selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor or Class 6 felony penalty. The penalty includes a six-month sentence, 30 days of which are a mandatory, minimum term. The bill also expands the terroristic act reporting requirements of the State Police, and the availability of specific injunctive relief for acts motivated by hate.

Status Change Dates:

01/17/01 Senate: Passed by indefinitely in Courts of Justice (9-Y 6-N)

City Position: City Package Bill – Support (although bill has been defeated)

SB1006 Spot blight abatement

Patron - Ticer, Patricia S.

Summary:

Spot blight abatement. Allows the use of the spot blight abatement procedures anywhere in a locality, whether inside or outside of a conservation or redevelopment area.

Status Change Dates:

02/07/01 House: Assigned to General Laws sub-committee 1

City Position: City Package Bill – Support

SB1008 Child day care funding for low-income families

Patron - Ticer, Patricia S.

Summary:

Child day care funding for low-income families. Requires the Department to identify and implement strategies for Virginia to obtain the maximum amount of federal funds available for child day care services for TANF recipients and families whose incomes are at or below 200 percent of the federal poverty level. The Department shall provide an annual report to the chairmen of the House Appropriations and Senate Finance Committees by December 15 on the implementation and effects of these strategies.

Status Change Dates:

02/08/01 House: Reported from Health, Welfare & Institutions (22-Y 0-N)

City Position: Support

SB1063 Allocation of funds from the Virginia Land Conservation Fund

Patron - Quayle, Frederick M.

Summary:

Allocation of funds from the Virginia Land Conservation Fund. Provides that the Virginia Land Conservation Foundation may make direct (rather than matching) grants from the Virginia Land Conservation Fund to counties and municipalities. Eliminates the requirements that (i) a public body jointly hold an interest in land with a private holder where the holder acquires an interest in land as a result of a grant or transfer from the Foundation and (ii) a public body hold an open space easement whenever a private holder acquires a fee simple interest in land as a result of a grant or transfer from the Foundation. The bill also provides that 25 percent of the unrestricted funds in the Fund are to be distributed to the Open-Space Lands Preservation Trust Fund and that the remainder is to be distributed in a manner that the Board of Trustees of the Virginia Land Conservation Foundation deems most appropriate to bring about goals of the Fund.

Status Change Dates:

01/22/01 Senate: Stricken at request of Patron in Agriculture, Conservation & Natural Resources

City Position: Support

SB1081 Comprehensive Services Act for At-Risk Youth and Families

Patron - Maxwell, W. Henry

Summary:

Comprehensive Services Act for At-Risk Youth and Families. Provides that local governing bodies cannot be required to provide any local match share of Medicaid provider payments, when collected by the Office of Comprehensive Services on behalf of the Department of Medical Assistance Services to be paid into the "Comprehensive Services Act Local Match Fund" pursuant to the budget or other state law, for Medicaid-eligible children or youth who are placed in residential treatment or care or therapeutic foster care. Local governments are still required to provide their share of special education and foster care costs.

Status Change Dates:

01/19/01 Senate: Left in Finance

City Position: Support

SB1083 Sales and use tax increase; exemption of certain motor vehicles and boats from tangible personal property taxation

Patron - Colgan, Charles J.

Summary:

Sales and use tax increase; exemption of certain motor vehicles and boats from personal property taxation. Provides for a 1.5 percent increase in the retail sales and use tax and exempts certain motor vehicles and boats from local tangible personal property taxation, if a constitutional amendment exempting such motor vehicles and boats is ratified by a majority of voters voting on such measure in November 2002. The changes are effective January 1, 2003. The revenue from

the increase in the sales and use tax shall be used to make payments to localities in lieu of the current funding processes in place to reimburse localities under the Personal Property Tax Relief Act of 1998. The new funding mechanism will begin in calendar year 2003. In general, the amount funded to (i) a county shall be the amount funded to the county in the preceding calendar year plus fifteen percent of any increase in the state sales and use tax revenue over the preceding fiscal year; (ii) a city shall be the amount funded to the city in the preceding calendar year plus eleven percent of any increase in the state sales and use tax revenue over the preceding fiscal year; and (iii) a town shall be the amount funded to the town in the preceding calendar year plus five percent of any increase in the state sales and use tax revenue over the preceding fiscal year. Each locality will have a base year funding amount. The base year funding amount shall equal (i) for a county, fifteen percent of its total local tax revenues collected in fiscal year 1997; (ii) for a city, eleven percent of its total local tax revenues collected in fiscal year 1997; and (iii) for a town, five percent of its total local tax revenues collected in fiscal year 1997. The base year amount is used for purposes of determining initial funding amounts to counties, cities, and towns in calendar year 2003.

Status Change Dates:

02/01/01 Senate: Left in Finance

City Position: Oppose

SB1108 Requirements for the use of photo-monitoring system to enforce traffic light signals

Patron - Couric, Emily

Summary:

Requirements for the use of photo-monitoring system to enforce traffic light signals. Provides that prior to considering any ordinance authorizing an authority to use a photo-monitoring system to enforce traffic light signals, also known as "photo-red," the locality must first hold a public hearing and adopt a resolution explaining that certain requirements have been met for each intersection under consideration. The bill further provides that the localities that were already authorized to use photo-red until July 1, 2005, may continue to do so until July 1, 2005. After July 1, 2005, such localities must also adopt an ordinance authorizing the use of photo-red pursuant to the requirements of this bill.

Status Change Dates:

01/10/01 Senate: Left in Transportation

City Position: Oppose

SB1117 Thermal Imaging Camera Advisory Board and Fund

Patron - Edwards, John S.

Summary:

Thermal Imaging Camera Advisory Board and Fund. Establishes the Thermal Imaging Camera Fund to assist local fire departments, other fire services organizations and local governments to purchase thermal imaging cameras. The bill also creates a nine member Thermal Imaging Camera Advisory Board to assist the Department of Fire Programs in providing grants to these entities to purchase thermal imaging cameras. The members of the board are appointed by the Governor and consist of three members each from the following organizations: the State Fire

Chief's Association, the Virginia Professional Firefighters Association, and the Virginia Firefighters Association.

Status Change Dates:

02/09/01 House: Referred to Committee on General Laws

City Position: Support

SB1123 Eminent domain; litigation expenses

Patron - Edwards, John S.

Summary:

Eminent domain; litigation expenses. Entitles a condemnee to payment of reasonable fees for attorneys, appraisers, and other experts incurred in condemnation litigation if the amount of compensation awarded exceeds the condemnor's highest written offer. The amount of the litigation expenses to be awarded is up to one-third of the amount by which the compensation awarded exceeds the condemnor's highest written offer.

Status Change Dates:

01/24/01 Senate: Passed by indefinitely in Courts of Justice (13-Y 1-N)

City Position: Oppose

SB1124 Location of utility easements

Patron - Edwards, John S.

Summary:

Location of utility easements. Authorizes any person residing or owning property within one-half mile of a proposed utility line to apply to the State Corporation Commission for an order requiring that the proposed facilities be co-located within the existing right-of-way of another public service corporation. The public service corporation proposing to acquire an easement will be required to file a report with the Commission summarizing its analysis of the feasibility of co-locating its lines with existing easements and to publish a summary of the report's conclusion in newspapers of general circulation in the affected localities. Currently, the Commission is required to hold a hearing on the joint use of an easement only if the corporation owning a right-of-way denies a request for its joint use. The SCC shall direct the joint use of the existing easement if it finds that it is reasonable and that the present or future public utility service will not be affected by the joint use.

Status Change Dates:

02/08/01 House: Reported from Corporation, Insurance & Banking (25-Y 0-N)

City Position: Support

SB1171 Eminent domain; litigation expenses

Patron - Marye, Madison E.

Summary:

Eminent domain; litigation expenses. Authorizes a court, in its discretion, to award reasonable fees for attorneys, appraisers, and other experts incurred in condemnation litigation if the amount of compensation awarded exceeds the condemnor's highest written offer by 15 percent or more.

In determining the amount of such fees to be awarded, the court is to consider, among such other factors as it deems relevant, the benefit provided to the condemnee by any of the professional or expert witnesses for whom the litigation expenses were incurred. In determining whether to make an award, the court may consider (i) the extent that the condemnee engaged in conduct that unduly and unreasonably protracted the final resolution of the action; (ii) whether the position of the condemnor was substantially justified; and (iii) whether special circumstances make the award of litigation expenses unjust. This bill was recommended by the Joint Subcommittee Studying Eminent Domain Issues.

Status Change Dates:

01/24/01 Senate: Passed by indefinitely in Courts of Justice (8-Y 5-N 2-A)

City Position: Oppose

SB1175 Mandatory mediation in eminent domain proceedings

Patron - Marye, Madison E.

Summary:

Mandatory mediation in eminent domain proceedings. Provides that in an eminent domain proceeding, if any party requests mediation, the petitioner and the parties shall be referred by the court to a dispute resolution evaluation session prior to the trial to determine just compensation. This bill refers the parties to the dispute resolution system already contained in the civil procedure section of the Code of Virginia (§ 8.01-576.4 et seq.).

Status Change Dates:

01/24/01 Senate: Passed by indefinitely in Courts of Justice (8-Y 5-N 2-A)

City Position: Support

SB1176 Public Procurement Act; public construction contract provisions for damages for unreasonable delays

Patron - Ticer, Patricia S.

Summary:

Public Procurement Act; public construction contract provisions for damages for unreasonable delays. Deletes prohibition on contract provisions waiving or releasing the rights of a contractor to recover costs or damages to the extent that the delay is caused by act or omissions of a public body.

Status Change Dates:

01/31/01 Senate: Stricken at request of Patron in General Laws (15-Y 0-N)

City Position: Support

SB1233 Uniform Statewide Building Code; effect on local ordinances

Patron - Williams, Martin E.

Summary:

Uniform Statewide Building Code; effect on local ordinances. Restricts localities from

incorporating certain building design requirements in their local zoning ordinances by providing that the USBC supercedes such ordinances. The bill also specifies that the USBC does not supercede proffered conditions accepted as a part of a rezoning application, conditions imposed upon the grant of special exceptions, special or conditional use permits or variances, or land use requirements in airport or highway overlay districts, or historic districts. This bill is a recommendation of the Housing Study Commission.

Status Change Dates:

02/07/01 House: Assigned to General Laws

City Position: Support

SB1255 Sales and use tax exemption; school-related items

Patron - Norment, Thomas K. Jr.

Summary:

Provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year. The exempt items are: (i) school supplies, footwear, and clothing where the selling price of each item is \$100 or less; (ii) computer systems where the selling price for each system is \$1,500 or less; and (iii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less.

Status Change Dates:

02/01/01 Senate: Left in Finance

City Position: Oppose

SB1310 Sales and use tax; limited exemption for certain clothing and footwear

Patron - Newman, Stephen D.

Summary:

Exempts clothing and footwear from the state sales and use tax for a nine-day period each August, provided the article costs \$100 or less. The sales tax holiday will begin in calendar year 2002. Sales of clothing and footwear at theme parks shall not be exempt.

Status Change Dates:

02/01/01 Senate: Left in Finance

City Position: Oppose

SJ307 Constitutional amendment (first resolution); restoration of right to vote for felons

Patron - Miller, Yvonne B.

Summary:

Authorizes the General Assembly to provide by law, or establish a process by law, for the restoration of civil rights for felons who have completed service of sentence, probation, and parole and met such other conditions or limitations as may be prescribed by law.

Status Change Dates:

01/30/01 Senate: Passed by indefinitely in Privileges and Elections (11-Y 3-N)

City Position: Support

SJ322 Study; Van Dorn Street corridor

Patron - Puller, Linda T. (Toddy)

Summary:

Study; Van Dorn Street corridor. Requests the Virginia Department of Transportation to study the Van Dorn Street corridor in Fairfax County and the City of Alexandria.

Status Change Dates:

02/06/01 House: Referred to Committee on Rules

City Position: Support

SJ356 Study; Housing Study Commission

Patron - Ticer, Patricia S.

Summary:

Study; Housing Study Commission. Requests the Housing Study Commission to study ways to assist teachers to purchase homes in the communities in which they teach.

Status Change Dates:

01/22/01 Senate: Failed to Report (defeated) in Rules (3-Y 4-N 6-A)

City Position: City Package Bill - Support

SJ397 Study; Northern Virginia Regional Transportation Authority

Patron - Barry, Warren E.

Summary:

Extends for a year the Joint Subcommittee to Study Creation of a Northern Virginia Regional Transportation Authority, established in 2000 pursuant to Senate Joint Resolution No. 121.

Status Change Dates:

02/02/01 House: Referred to Committee on Rules

City Position: Support

ATTACHMENT 3



TONI COPELAND
CLERK TO THE
COUNTY BOARD

ARLINGTON COUNTY, VIRGINIA OFFICE OF THE COUNTY BOARD

#1 COURTHOUSE PLAZA, SUITE 300
2100 CLARENDON BOULEVARD
ARLINGTON, VIRGINIA 22201-5406
(703) 228-3130 • FAX (703) 228-7430
E-MAIL: countyboard@co.arlington.va.us



MEMBERS

JAY FISETTE
CHAIRMAN

CHRISTOPHER ZIMMERMAN
VICE CHAIRMAN

BARBARA A. FAVOLA
PAUL FERGUSON
CHARLES P. MONROE

February 8, 2001

Honorable Members of the
Alexandria, Arlington, Falls Church
Delegation to the Virginia General Assembly

Dear Members:

The region's transportation problems have led to calls for increased funding and a transportation authority. Our jurisdictions have long been strong advocates for regionalism. We recognize full well that there needs to be a balance between road construction and transit expansion. We agree that a regional authority—properly structured and provided with a new funding source—could be a part of the solution. Unfortunately, current legislation in the Virginia General Assembly for a Northern Virginia transportation authority is seriously flawed.

Though there is a momentum to "do something and deal with the details later," we feel strongly that the current proposals create serious problems that will be very difficult to undo. The problems are not details, they are fundamental.

In Alexandria, Arlington and Falls Church, the largest transportation need to be addressed by any new transportation authority is funding for our transit system. The Washington region ranks last in dedicated funds for mass transit. A top-flight transit system is a key element in solving the region's congestion problems. The Northern Virginia Transportation Commission's (NVTC's) mission is to coordinate all northern Virginia's transit assets. It has functioned exceedingly well.

The current versions of the transportation authority bill appear to put transit at risk. They call for the NVTC to be abolished by July 2003, and its powers over Metro and other transit functions transferred to the new overarching authority. Because the Virginia Railway Express (VRE) and NVTC have a very close institutional relationship, the operation and bonding of needed capital items for VRE could be hindered considerably by the abolition of NVTC.

The current Northern Virginia transportation authority bills provide inadequate safeguards for local jurisdictions and the citizens they represent. They weaken local governments' role by adding other members who can override serious local concerns. The proposed authority could require voters to pay special levies to fund major expenditures that would create serious negative impacts on their own communities. Since our residents would provide a considerable amount of any new money, their voices, through their locally elected officials, should have a substantial say in an authority's decisions.

The proposed voting arrangements are seriously flawed because they are too heavily population-based. The voting-allocation formula should be broadened to include other factors that are relevant to transportation interests, such as: employment levels, sales tax receipts, transit ridership, and especially the share of regional transit expenditures and investment already made in the existing system. It should not be possible for one jurisdiction (or two) to control decision-making for the whole region.

The failings of the current legislation contrast sharply with the careful planning steps that led to a successful authority, the Washington Metropolitan Area Transit Authority (WMATA), which just completed its original mission to construct a Metrorail system. This success was enabled by an agreed-upon set of projects with a solid financial plan to support it. Only then was an authority established to implement it. Unlike the proposed transportation authority bills, WMATA's voting structure is designed to achieve substantial consensus. For major items, approval requires both a majority vote and a vote from Maryland, Virginia, and the District of Columbia.

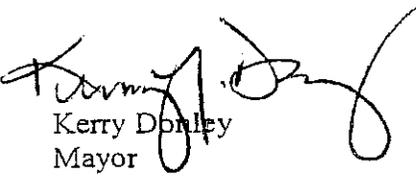
We have raised these issues previously. They have not been directly addressed, yet they must be addressed before approving a Northern Virginia transportation authority.

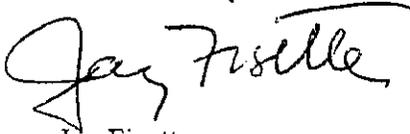
Northern Virginia jurisdictions—those directly affected by the current legislation—unanimously endorsed SJR 397 and HJR 610, to extend the Barry Commission for one more year to address these and other issues specifically. Loudoun County and the Coalition for Smarter Growth are both on record questioning the creation of the proposed authority without further deliberation. In the meantime, the Transportation Coordinating Council can build upon its work that developed the 2020 Transportation Plan for Northern Virginia by producing an affordable package of priority improvements that can provide any northern Virginia transportation authority with a clear mission that has already gained regional consensus.

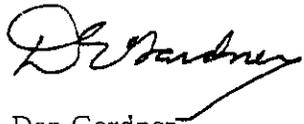
Ultimately, adequate new funding should be the first priority of the General Assembly. Approval of SB 1355 and HB 2606 at this time would be a grave mistake. We urge you to have them put aside for this session, and instead enact SJR 397 and HJR 610, to allow for the thoughtful development of legislation for a new authority. These considerations are important in gaining the support of both local governments and, most importantly, Northern Virginia's voters for any new revenue measure put forward.

We thank you for your diligent work and appreciate your attention to these important issues.

Sincerely,


Kerry Donley
Mayor
City of Alexandria


Jay Fisette
Chair
Arlington County Board


Dan Gardner
Mayor
City of Falls Church

ATTACHMENT 4

City of Alexandria, Virginia

MEMORANDUM

DATE: FEBRUARY 8, 2001

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: PHILIP SUNDERLAND, CITY MANAGER *PS*

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR *BC*

SUBJECT: GENERAL ASSEMBLY'S PROPOSED AMENDMENTS TO THE BIENNIAL BUDGET

On February 4, the House Appropriations and Senate Finance Committees released their proposed amendments to the biennial budget. Attached is a table which compares the proposals made by each committee, as well as the Governor's proposals (which were released December 20). Although the proposals of both committees are generally beneficial to local governments, the House Appropriations Committee has recommended amendments that would reduce funding for Offices on Youth, the Virginia Juvenile Community Crime Control Act, or both.

A major difference between the two budget proposals is the way each deals with the car tax. The House assumes that the reimbursement rate will be 70 percent (of the first \$20,000 of a car's value) in 2001, and 100 percent in 2002. The Senate limits the reimbursement rate to 50 percent in 2001, and 70 percent in 2002. Because of these assumptions, the Senate has more money than the House to fund amendments to the budget.

Over the next two weeks, the House and Senate will work to develop a final budget which both houses must approve. It is likely that some of the House amendments and some of the Senate amendments that are shown on the attached chart will be incorporated into the final budget.

As we advised you when the Governor released his budget proposals in December, many State agencies are being required to develop "executive management savings" plans that will result in reductions to their current biennial budgets of 3 percent this fiscal year, and 6 percent in FY 2002. The agencies' plans are not due to the State Department of Planning and Budget until after the General Assembly Session, so there is no way to determine whether these savings will have a fiscal impact City programs. It is likely that those City departments that receive State aid, will see this aid reduced in some areas. Depending on the how the reductions are structured (such as changing funding formulas) the impact on funding for the Alexandria Health Department could be substantial.

Staff will work with Council's Legislative Subcommittee to develop a letter which the Mayor can send to the City's legislative delegation, advising them of the City's recommendations for the final

budget. Staff will also continue to monitor the budget proposals, and will provide Council with further information after the conclusion of the General Assembly Session.

Attachment

cc: Michele Evans, Assistant City Manager
Mark Jinks, Assistant City Manager
Lori Godwin, Assistant City Manager
Carol Moore, Acting Deputy Director, OMB
Department Heads

COMPARISON OF PROPOSED HOUSE AND SENATE BUDGET AMENDMENTS

Issue	Governor's Budget	House	Senate
Teachers' salary increases	no funding for teachers' salary increases	3.5 percent increase for State- supported teachers beginning 12/1/01; estimated (by House staff) additional funding to City schools: \$196,873	6 percent increase for State- supported teachers beginning 12/1/01; estimated (by Senate staff) additional funding to City schools: \$332,132
Cost of competing (Northern Virginia school salaries)	no additional funding	Additional funding estimated (by House staff) for City schools: \$28,349	no additional funding
No-interest bonds for school construction	Issue not addressed	Issue not addressed	Extends eligibility for federal zero interest bond program for public schools to localities which enroll at least 35 percent of their students in the free lunch program (e.g., Alexandria)
Health-care credits for retired teachers	Shifted a portion of these costs to localities; fiscal impact to City: approximately \$490,000	Accepted Governor's proposed amendment	Rejected Governor's proposed amendment
State reimbursement for City Finance Director	Proposed reductions to State support (\$3 million statewide) for local Commissioners of the Revenue and Finance Directors	Rejected Governor's proposed reduction	Rejected Governor's proposed reduction
Salaries for constitutional and other state-supported employees	no funding for constitutional and other state-supported employees	3.5 percent increase beginning 12/1/01; staff is unable to estimate fiscal impact on City at this time	3.5 percent increase beginning 12/1/01; staff is unable to estimate fiscal impact on City at this time

HB 599 funding	Reduced funding; fiscal impact on City would be \$94,000 for the biennium	Accepts Governor's amendments (negative fiscal impact to City of \$94,000)	Restores \$1.5 million statewide in FY 01; but lowers FY 02 funding an additional \$2.5 million, due to lower revenue estimates (total negative impact to City of \$130,000)
Transportation funding	no changes proposed	no changes proposed	Increased Alexandria's urban funds by \$1.3 million, which can be spent as City determines (transit, maintenance, or construction)
State aid to local libraries	Not fully funded	Fully funds (adds \$725,000 statewide); staff is unable to estimate fiscal impact on City at this time	No additional funding
Funding for the Virginia Juvenile Community Crime Control Act (VJCCCA) and Offices on Youth	No changes proposed	Proposes funding Offices on Youth from localities' VJCCCA grants (these offices now receive State general funds), with no additional money added to the grants	No change in funding for existing Offices on Youth; statewide funding for VJCCCA reduced by \$116,700 to pay for new Offices on Youth in 3 localities (staff is unable to estimate fiscal impact on City, but impact should be small)
Funding for local Health Departments	Reduced State funding through unspecified management savings	Increased funding to local health departments by \$3.5 million	No additional funding
Healthy Families	Replaced \$3.5 million in general funds with TANF funds, which cannot be used to match other federal funds	Restored \$3.5 million in general funds (which can be matched with other federal funds)	Restored \$1.75 million in general funds (which can be matched with other federal funds)

Domestic violence programs	Replaced \$500,000 in general funds with TANF funds, which cannot be used to match other federal funds	Rejected Governor's proposed amendment	Rejected Governor's proposed amendment
Lloyd House	no additional funding	\$25,000	\$50,000
Lee-Fendall House Museum	No funding	\$25,000	no funding

ATTACHMENT 5



Kerry J. Donley
Mayor

City of Alexandria, Virginia
301 King Street, Suite 2300
Alexandria, Virginia 22314



(703) 838-4500
Fax (703) 838-6433

February 8, 2001

The Honorable Patricia S. Ticer
Virginia State Senate
General Assembly Building
Richmond, Virginia 23219

The Honorable Brian Moran
Virginia House of Delegates
General Assembly Building
Richmond, Virginia 23219

The Honorable Marian Van Landingham
Virginia House of Delegates
General Assembly Building
Richmond, Virginia 23219

Dear Patsy, Brian, and Marian:

On February 4, the House Appropriations and Senate Finance Committees released their proposed budget amendments to the current biennial budget. City staff has reviewed these amendments and the effects they will have on City programs. We are pleased that both Committees have recommended amendments that will address some of the City's concerns with the Governor's December 20 budget proposals. Both committees:

- Included funding for teachers' salaries;
- Rejected proposed reductions in State support for salaries for the City's constitutional employees and other state-supported employees;
- Increased funding for renovations to Lloyd House; and
- Restored general funds to the Healthy Families and domestic violence programs (the Governor's budget had proposed replacing general funds with TANF funds, which would have limited the abilities of these programs to leverage other federal funds).

"Home Town of George Washington and Robert E. Lee"

We commend both committees for these recommendations. Since the two committees differed in the amounts recommended for teachers' salary increases and Lloyd House, we ask that you seek the greatest amount of funding possible for each of these purposes in the final budget.

The House Appropriations Committee made the following recommendations which we recommend you seek to have incorporated into the final budget:

- Funding for the cost of competing (school salaries);
- Increased State aid to local libraries (to fully fund the State aid formula); and
- Significantly increased funding for local health departments.

The Senate Finance Committee also made recommendations that would benefit the City if incorporated into the final budget:

- Full State funding for health-care credits for retired teachers (this would retain the current practice, which the Governor sought to change; if the Governor's proposal, to shift much of this cost to localities, is implemented, it will cost the City nearly \$500,000);
- \$1.3 million in additional urban transportation funds, which can be spent as the City determines (for transit, maintenance, or construction);
- Language extending eligibility for the federal government's zero interest bond program for public schools to localities which have at least 35 percent of their students in their free lunch program; this would allow Alexandria to qualify.

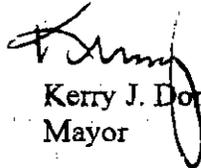
Neither committee recommended fully restoring the cuts the Governor proposed to HB 599 funds. We believe that this is due in part to a lack of a clear policy on whether to reduce or increase HB 599 funds if State revenue estimates change after a biennial budget has been adopted. Last year, the General Assembly chose not to adopt a proposal from the Governor to increase these funds based on increased revenue estimates; this year, however, it appears that HB 599 appropriations will be reduced because of reduced revenue estimates. We believe that the State should adopt and implement a consistent policy regarding changes to HB 599 appropriations after a biennial budget has been adopted.

We are also concerned that the House Appropriations Committee recommended that State funding for all Offices on Youth be provided from Virginia Juvenile Community Crime Control Act (VJCCCA) appropriations, without adding any new funds to VJCCCA (Offices on Youth currently receive a separate State general fund appropriation). In FY 2001, the City will receive approximately \$82,000 from the State for the Office on Youth; the City also funds \$265,000 of the Office's budget. Programs in the Office on Youth works seek to prevent juvenile delinquency, promote positive youth development, and prevent teen pregnancy. The City receives approximately \$500,000 in State VJCCCA funds, which support programs that are alternatives to secure detention, such as the sheltercare program (a less secure detention facility),

the day reporting center (which provides structured supervision to juveniles who are on detention), the school liaison program, and the parent involvement program. Approximately \$330,000 annually in City funds already are used for these VJCCCA-supported programs. If the House Appropriations Committee amendment is incorporated into the final budget, the City will be forced to reduce these programs or increase City funding for them. Please seek to restore State general funds for Offices on Youth.

We realize that the development of a final budget will be very difficult, and that you will not be able to fund all the needs that exist. We ask that you work toward incorporating as many of these amendments that are beneficial to the City as possible into the final budget.

Sincerely yours,


Kerry J. Donley
Mayor

Attachment

cc: The Honorable Members of City Council
Philip G. Sunderland, City Manager
Bernard Caton, Legislative Director